

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARSHALL E. BLOOMFIELD,

Petitioner-Judgment-Creditor,

-against-

DERMOT MacSHANE,

Respondent-Judgment-Debtor

Sergeant's Benevolent Association Annuity Fund,
The City of New York Police Pension Fund and the
Fund Office of Local 580 of Architectural and
Ornamental Iron Workers,

Respondents.

07 Cv. 3934 (RJH)

NOTICE OF MOTION
TO DISMISS PETITION

COUNSEL:

PLEASE TAKE NOTICE that upon the annexed Declaration of Anne M. Paxton, Esq., dated July 6, 2007, the affidavit of Errol Ogman, sworn to May 21, 2007, the Memorandum of Law in Support of Respondent’s Motion to Dismiss Petition, and the exhibits annexed thereto, that respondent Sergeant’s Benevolent Association Annuity Plan (“the Annuity Plan”) will move this Court before the Honorable Richard J. Holwell, at the United States District Court, Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on August ___, 2007 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order dismissing the order to show cause and petition as the relief sought therein is barred pursuant to Section 401(a)(13) of the Internal Revenue Code of 1986, as amended, which prohibits the assignment or alienation of the retirement benefits held by the Annuity Plan in

trust for respondent Dermot MacShane, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that in the event of the denial of this motion, in whole or in part, respondent Annuity Plan reserves its right to serve and file an answer to the petition, and respectfully requests thirty ("30") days from the date of service of the order denying the motion with notice of entry in which to serve a verified answer.

Dated: New York, New York
July 6, 2007

Yours, etc.,

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By:


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